Evolving Dynamics and Conflict Potential in Eastern Ukraine

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Abstract

In this article we argue that changes in political structures in post-Soviet Ukraine impacted the potential for conflict during transition. Relying on organisational theory to determine the conflict potential in Ukraine, we argue that this conflict is structurally determined by the changing character of relations within and beyond Ukraine. The potential for conflict was always present in post-Soviet Ukraine, but this article examines the facts of when, how, and why conflict happened, and how it was related to weak state institutions, centre-periphery relations, and an unsettled relationship with Russia. Relying on our analytical framework, we conclude that the conditions for further conflict greatly outweigh the conditions for peace.

Introduction

The challenges Ukraine has faced since independence are many. It has set out to be both Western and Eastern, often, as Taras Kuzio (2003) has shown, vacillating between East and West in foreign policy and foreign relations while maintaining complex, fraught relationships with both. Like many former Soviet countries, it has struggled through political, economic, and even social transition (G. Smith 1999) and found ways to manage all these challenges, even arriving at what appeared to be a tenuous status quo (Malyarenko & Galbreath 2013). Nevertheless, by 2014 Ukraine was at war against what it called 'Russian-backed terrorists' and launching an anti-terrorist operation (ATO) that would challenge the country. The potential for conflict was always present in post-Soviet Ukraine. This article is about the facts of when, how, and why it occurred.

Ukraine has faced many challenges, but the current ethnolinguistic character of the war is not among them, even though the Russian government and media present the war as protecting

the rights of Russians in the 'near abroad' and the Ukrainian government has increasingly framed the conflict in ethnolinguistic terms. What then are the drivers of conflict in Ukraine, and what do they tell us about the conflict potential in transitioning states? Our exploration of conflict potentials in Ukraine relies on organisational theory to argue that conflict is structurally determined by the changing character of relations within and beyond Ukraine. It will focus on weak state institutions, centre-periphery relations, and an unsettled relationship with Russia.

Our analytical framework derives from organisational theory in management studies. It offers a way to think about conflict potential without having to assume the presence of prior existing social cleavages like those in the ethnic conflict literature (see further on). We can recognise Ukraine's ethnic and linguistic diversity, and even see that at times this diversity was politicised. This does not, however, provide sufficient grounds to assume conflict potential. Relying on the work of Stuart Schmidt and Thomas Kochan (1972), we start with the assumption that ethnic competition is not a necessary condition for conflict potential. As we shall see below, Schmidt and Kochan argue that 'compatible goals and perceived independence of action' in diverse communities might reduce the likelihood of conflict. In this article we examine the conflict potential in Ukraine before the war and reflect on lessons still to be learned going forward in the current phase of 'no peace, no war'. The first section reviews the literature around competing explanations of the conflict and seriously investigates the often-heard claim that at heart, this conflict is an ethno-nationalist war nourished by geopolitical tensions between the West and Russia.

Here we introduce in fuller detail the conflict potential model we apply to Ukraine. The next section looks at the conditions for conflict that led to the Euromaidan protests, the subsequent annexation of Crimea, and the separatist movement in the Donbas. The third section examines

the potentials for peace and the prospect of conflict potential going forward. Based on our analytical framework, we suggest that the conditions for peace are greatly outweighed by the conditions for further conflict. Finally, we look at larger geopolitical dimensions that appear to have developed in tandem with the war in Ukraine. First, though, we must consider how we will explain the likelihood of conflict in the former Soviet Union.

Understanding Conflict Potential

What are the causes of war in Ukraine? The literature would suggest a host of reasons, from geopolitics and state capacity to proxy wars and competing oligarchs (Dragneva & Wolczuk 2016; Fedotov 2015; Kulyk 2016; 2017). Yet it is hard to escape the ethnic dimensions that exist between the nominal Ukrainian-speaking and Russian-speaking communities in Ukraine, which are the focus of much of the existing literature around the ethnopolitics of the former Soviet Union (Brubaker 1994; Furtado & Hechter 1992; Sasse 2002; G. Smith & Wilson 1997). We say 'nominal' because the overlap between ethnicity and language is at best tenuous; besides, the situation is too complex to simply say that there exist an ethnic Ukrainian side and an ethnic Russian side with overlapping languages split down the middle. Some people in Crimea and Eastern Ukraine undoubtedly saw themselves as Russian, spoke Russian, and lamented the loss of the Soviet Union and the political space they had shared with the rest of Russia. Nonetheless, the notion that they are a distinct ethnic group is misplaced and too easily used by contemporary commentators to recast the post-Soviet period and simplify the war as it is at the time of writing (Sasse 2002). This is not to deny that protection of a 'Russian' community in Ukraine was a pretext that the Russian Federation cited to justify its forceful occupation of Crimea and its contribution of military aid and Russian combat forces to the breakaway regions in the two eastern oblasts of Donetsk and Luhansk. As in many of the world's multiethnic places, ethnicity is easy to say but harder to find on the ground (Onuch & Hale 2018).

While we cannot discern an ethnic cleavage in Ukraine, competitive politics has fomented rivalry between Kyiv and Donbas, the country's largest economic centres. Obviously, distinct centre-periphery dynamics overlapped with the predominantly Russian-speaking eastern Ukraine and Crimea, where anti-politics is as easily identifiable as nationalist politics was in the post-Soviet period. Despite the difficulty of designating these two groups as Ukrainian and Russian, we can say that social cleavages arose out of differences between the fortunes, industrial ambitions, primary trading partners, and of course the oligarchs lording over Eastern Ukraine and Crimea on one hand and Kyiv and the rest of Ukraine on the other (Pleines 2016). The nationalism literature could construe this as regional nationalism rather than ethno-nationalism (Ragin 1977).

Nationalism literature is helpful here, especially that concerning how centre-periphery relationships produce competition and conflict across and between geographical space. For instance, Michael Hechter (Hechter 1975; 1987; Hecter & Levi 1979) has argued that regional differences can be powerful drivers of what he referred to as 'ethno-regional' groups, leading to political contention if not outright conflict. Otherwise known as 'reactive ethnicity theory', this line of thought, pursued by Hechter and others like Juan Diez Medrano (1994) and Francois Neilson (1985), argues that nationalist sentiment can derive from what Hechter's (1975) work terms 'internal colonialism', meaning that centre-periphery relations take on the extractive, asymmetric relations of a colonial system. This 'internal colonialism' is reinforced by cultural and economic differences over language, religion and local culture. In his own work, Hechter focuses on Great Britain's 'Celtic fringe', where cultural and economic discrepancies persist although language difference does not. Donald Horowitz (1985), in his tome *Ethnic Groups in Conflict*, similarly argued that so-called ranked (asymmetric) and unranked (symmetric) systems had varying competitive tendencies, whether co-located or not.

Alternatively, ethnic competition theory suggests that political, social, or economic shocks bring ethnic groups into competition as previous systems are destabilised. For instance, Susan Olzak (1992) argues that tipping points are key to explaining why groups go from peaceful coexistence to collective action. The argument here, like others that could also be categorised as ethnic competition theory (Barth 1969; Barth & Noel 1972; Hannan 1979; Ragin 1977), is that there exists a latent conflict potential between groups that is somehow determined and mobilised by a degree of structural change. The collapse of the Soviet Union was arguably such a change. Significantly, ethnic competition theory often left the notion of ethnicity uncontested, focusing instead on how groups may come into competition for resources, namely jobs and sectoral control. Engagement with something like resource mobilisation theory shows how some may argue that this newly stimulated competition over resources could foster fresh potential for conflict between groups (for a recent study, see Domjan & Stone 2010; Jenkins 1983).

Ethnic competition theory concentrates on the role of competition as a key indicator of conflict potential. The organisational studies literature is helpful here because competition is a natural state of any organisation. Here we undertake a conceptual stretch to refer to the nation-state as an organisation, reflecting Max Weber's understanding of the state as a social organisation (Weber 1947; see also Milward 1999). State institutions' way of managing this competition determines the conflict potential. More importantly, changes in the circumstances of competition lead to even greater uncertainty, a condition that afflicts post-Soviet Ukraine to this day. Stuart Schmidt and Thomas Kochan (1972) suggested that conflict potential depends on how this uncertainty impacts on three factors: goal incompatibility, perceived opportunity for interference by others, and the degree to which resources are shared. We will take each in

turn to reveal how these factors relate to the conditions for conflict past and present, as well as the potential for conflict and peace in the future.

Goal incapability

Schmidt and Kochan's conceptual model of conflict potential suggests that goal incapability is the primary prerequisite. The authors do not refer simply to divergent goals, but to goals that are 'not simultaneously attainable'. This is illustrated in the way Ukraine has tried to position itself geopolitically since independence. After the Soviet Union ended, Ukraine had grounds to become an independent nation while also aligning itself closely with the Russian Federation. Indeed, this balance is noticeable between two mandates in the policies of Ukrainian presidents prior to the 2004 'Orange Revolution', when both Leonid Kravchuk (1991-94) and Leonid Kuchma (1994-2005) sought to display Ukrainian independence while maintaining good diplomatic and trade relationships with Russia (Kuzio 2003; 2007). After the Orange Revolution, Ukraine's geopolitical position became much more political as its governments vacillated between pro-Western (i.e. NATO) and pro-Russian foreign policies, often seeking to hold both these objectives at the same time. Yet even though a positive relationship with the West and Russia is or at least was achievable, prior to the current war in Ukraine, the two geopolitical postures are not simultaneously attainable. Even within the balancing act of the Kravchuk and Kuchma presidencies, these tensions were palpable, especially considering the constant issue of Crimea's difference from the rest of Ukraine and its special status as the host of the Russian Black Sea Fleet. We discussed these tensions in a study on how the Kosovo situation affected the prospects of Crimea and the future of Ukraine-Russia relations. In retrospect it looks prescient yet also naïve about the chances of Russian military aggression on Ukrainian sovereign territory (Malyarenko & Galbreath 2013). Furthermore, we argue that any assessment of Ukraine has to take into account oligarchs, their politics, and the rivalry between those in Kyiv and those in Donetsk. The war has not been

conducted neatly between these two groups, given the importance of larger Russian economic interests in Eastern Ukraine and Crimea, and the truism that war is bad for business.[1] Goal incapability is easy to identify among the many actors in Ukraine, leading up to the conflict. However, while goal incompatibility may explain the motivation for conflict, our conceptual model tells us it 'says nothing about perceived ability to engage in it' (Schmidt & Kochan 1972, p. 362) – to understand that, additional factors are needed.

Perceived opportunity for interference by others

Although Schmidt and Kochan (1972, p. 362) accept that there are various reasons to see goal incapability as a prime condition for conflict potential, they argue that 'the perceived opportunity for interfering with [the] attainment of one another's goals' is key to assessing the increased probability of conflict. Let us momentarily contrast this approach to the ethnic competition theory, which says that shocks to the market and/or society put ethnic groups in increasing proximity to each other, whereupon competition arises. Meanwhile, this organisational studies approach to conflict potential also posits that a) perceptions are important and b) the focus is on goal attainment. Building on Schmidt and Kochan, Deborah Kolb and Linda Putnam (1992) argue that this perception is inherently linked to emotion in conflict, building on what national identity literature (e.g. Curticapean 2007) would identify as polarisation and what social identity theory literature (Tajfel & Turner 1979) would refer to as the reification of the ingroup-outgroup dichotomy. Schmidt and Kochan (1972, p. 362) see the evidence of interference as important, but it is the perception of interference by others that is the key determinant of conflict potential. This perception of intervention in goal attainment became increasingly important in Ukraine following the 2004 Orange Revolution, as we noted above. Especially in the cases of Ukrainian oligarchs, there is considerable overlap between those who hold political power and those who generate wealth, meaning that if you are a

[1] On oligarchs, see e.g., Kuzio (2005); Kudelia & Kuzio (2015)

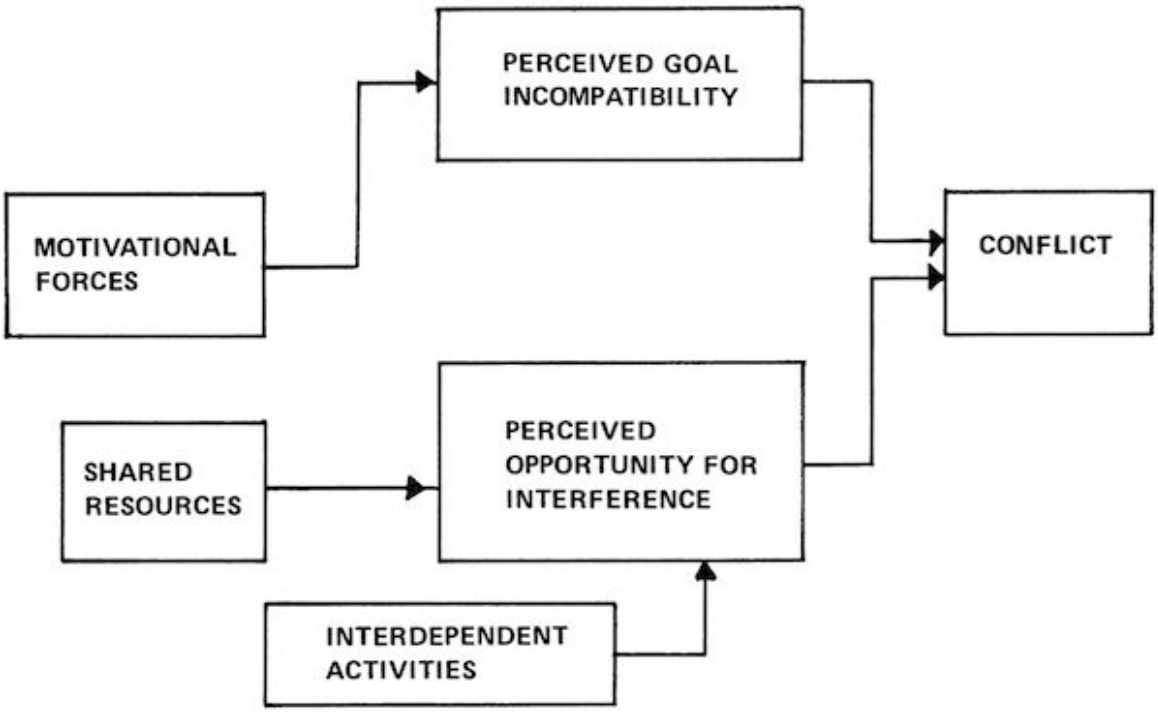
political winner, you are also an economic winner. This 'winning' has implications for the success of Ukraine's competing regions. Perhaps even more importantly, however, post-Orange governments have called Crimea's designation as an autonomous region within a united Ukraine into question. The perception of interference by others (Kyiv politicians, in this case) was easily pinpointed among those who lost status in the changing political landscape.

Degree to which resources are shared

The final component of the conceptual model is the degree to which resources are shared. Schmidt and Kochan focus on political opportunities that arise when resources are shared, which lead to asymmetric distribution or else to symmetric distribution via institutional cooperation. In other words, shared resources can be a condition for conflict or peace potential. A lack of shared resources would mean a lack of interdependent activities and thus low potential for conflict. This focus on shared resources is seen in more recent literature following the Schmidt and Kochan model. For instance, Mercy Derkyi et al. (2014) found that shared access and rights to land is a key indicator of conflict potential in Ghana. Similarly, Negasi Solomon et al. (2018) recognise that shared resources and interdependence are key determinants of conflict in the Horn of Africa. In Ukraine, the lack of sustainable economic development after independence, alongside state organs' powerlessness to prevent the consolidation of political and economic power bases, suggests that as long as the state continues in its fragile condition, the potential for conflict in Ukraine will grow. Looking forward, we must ask whether these conditions have changed since the war began, and whether Ukraine has developed the capacity to avoid further and future conflict.

In this literature review and analytical model discussion, we examine the centre-periphery relations in Ukraine, limited and thus shared resources, the establishment of a 'winner take

all' politico-economic system, and a distinct yet uncertain power balance between oligarchs in Kyiv and the Donbas. The situation maps onto Schmidt and Kochan's model (1972, p. 362), set out below.



To sum up here, we argue that in the dysfunctional state of Ukraine following independence, increasing competition over resources, together with a corresponding geopolitical frame, increased conflict potential following the Orange Revolution and especially the Euromaidan protests. Furthermore, as we will show, these conditions for conflict potential persist and bode ill for the prospects of sustainable peace.

Methodology

The basis for undertaking this study is an important question that links our research question to the structural drivers of conflict potential in Eastern Ukraine, and our analytical model to our methodological approach. We have identified the set of relevant data needed to test our argument that in a dysfunctional state, increasing competition over resources and a

geopolitical frame contribute to conflict escalation. Thus, we should be able to identify 'perceived goal incompatibility', 'perceived opportunity for interference', and 'shared resources', that is, the structural drivers of conflict potential that facilitate conflict escalation in Eastern Ukraine. The main data collection method was textual analysis of official statements, speeches, newspaper interviews with official representatives, relevant legislative documents, official reports, and official statistics. We also carried out participant observation and interviews with subject matter experts. This enabled us to establish an analytical narrative that maximises data reliability. Use of multiple sources also allowed us to compensate for our limited access to policymakers and leaders in the self-declared Donetsk and Luhansk People's Republics. Given the sensitive nature of this article, we applied a strict anonymisation approach to all 18 interviews with experts. We combined face-to-face interviews with interviews via Skype and e-mail. Our interlocutors were informed of the research purpose of the interview and our anonymisation policy (see the list of interviews in the Appendix).

Origins of conflict in Eastern Ukraine: Ukraine as a crossroads

In 2014, Ukraine was considered an endemically weak state. Robert I. Rotberg distinguishes among varieties of weak, failing, and failed states. An 'endemically weak state' is one where the state's weakness is preconditioned by a set of prevailing geographic, physical, or fundamental economic constraints:

> Weak states typically harbour ethnic, religious, linguistic, or other intercommunal tensions that have not yet, or not yet thoroughly, become overtly violent. Urban crime rates tend to be higher and increasing (...). Schools and hospitals show signs of neglect, particularly outside the main cities. GDP per capita and other critical economic indicators have fallen or are falling, sometimes dramatically; levels of venal

> corruption are embarrassingly high and escalating. Weak states usually honour rule of law precepts in the breach. They harass civil society. (Rotberg 2003, p. 4)

Stewart Patrick, citing van de Walle, describes an endemically weak state as one that is 'not at major risk of conflict, but which is characterized by low growth, anemic institutions and patrimonial system of political leadership' (Patrick 2007, p. 651). A state's weakness is measured in terms of economic performance, governance, security and crime, human development, demography, and the environment. It is driven by several factors, most importantly the state's development, legitimacy, and security (Carment 2011).

A state's weakness does not automatically denote disintegration or violent conflict, and not all weak states experience violent conflict. Most authors agree that state weakness is instead a precipitative factor in conflict escalation because weak or failing states are unable to mediate between competing interests (see again the review by Patrick 2007). In Ukraine's case, the role that Ukrainian institutions and centre-periphery relations play in the conflict is discussed as part of the debate about whether the conflict is driven by geopolitics or domestic developments. Meanwhile, the body of existing literature on the conflict in Ukraine is focused mainly on geopolitical explanations, in particular the great-power competition between Russia and the West (e.g. Samokhvalov 2015; N. R. Smith 2015), with less emphasis on domestic developments in Ukraine prior to the crisis (Malyarenko & Galbreath 2013). Lastly, Malyarenko and Wolff identify the conflict as a 'blended conflict played in an antagonistically penetrated region'. They argue that

> it is about the dynamic connectedness of actors, structures, and other factors at and across different levels of analysis: horizontally, vertically and diagonally (….) Thus, multiple actors and alliances of actors on the ground and beyond are in constant flux

> and contextually variable, not least because their agendas differ from local to global aspirations with punctual but no sustainable overlap. (Malyarenko & Wolff 2019)

Applying the logic of blended conflict to our study, we argue that what is commonly called the Ukrainian crisis consists of several distinct but closely related and partially overlapping conflict constellations, each with its own causes and dynamics. The escape of then president Yanukovych and his government weakened the Ukrainian state, leading to its temporary failure in January-March 2014. The consequent paralysis of state institutions became a precipitative factor in the violent escalation of a number of conflicts among different actors and alliances of actors. As a country with weak state institutions and a divided society, Ukraine has repeatedly found itself at risk of revolution and violent regime change that could potentially lead to disintegration (Minakov 2017). In fact, due to the incompletion of state-building processes, the so-called revolutions of both 2004/05 and 2013/14 sent Ukraine back to the drawing board to revise the shared meaning of statehood and the nature of the social contract between Ukrainian elites and society – as though it were 1991 again and Ukraine was only just declaring its independence.[2] Thus, since 1991, the potential for escalation of these latent tensions in Ukraine has hovered over the different actors and alliances – great powers pursuing their geopolitical interests, domestic elites operating in a fragile institutional framework, local actors with legitimate grievances – on the ground and beyond. Conflict potentials increase when the state's capacity decreases dramatically.

[2] See e.g. Minakov (2018): 'In the last twenty-five years, Ukraine survived two revolutionary cycles, such as 1991–2004 and 2005–2014 [...] started with the promise of political liberties and economic freedoms in 1991 and 2005. Quite soon after, the oligarchic groups and presidents forgot their promises. Among the competitive financial-political groups (FGP) that controlled all major private sector industries, public owned companies, and core posts in government parliament and the courts, one group would usually take over the presidential post. With time, the presidents promoted the interests of their groups to the extent that they united other oligarchic groups and grassroots protesters against authoritarian rulers. These unions have twice jointly chased them down'.

Unlike the peaceful Orange Revolution in 2004, the Euromaidan in 2013/14 became known for violent clashes between protesters and police forces that caused more than 100 deaths in the city of Kyiv. This violent protest in Kyiv was augmented by popular uprisings in Western Ukraine (protesters took over administrative buildings; military and police units blocked roads) and a less conspicuous though no less hostile anti-Euromaidan mobilisation in Eastern Ukraine and Crimea.[3] Since March 2014, several additional factors had facilitated conflict escalation. An unprecedented national and local-level paralysis of state power and state institutions reigned when then president Yanukovych fled Ukraine with all his government and senior officials, at a time when institutions were weak and personification of political power remained a Ukrainian tradition. The new self-appointed government suffered from low legitimacy and high levels of uncertainty about the possibility of a Russian invasion and restoration of Yanukovych (the Russian government and media stirred this unease). Meanwhile the beneficiaries of the Euromaidan played a 'zero-sum' game characterised by unwillingness to compromise with political opponents [(*Партія регіонів)* Party of the Regions, (*Комуністична партія України*) Communist Party, Eastern Ukrainian elites) and the experience of the 'unfinished' Orange Revolution.

Between late 2013 and August 2014 (Minsk I agreement), the conflict escalated in several directions:

[3] According to a public opinion poll conducted in January 2014, about 50% of Ukraine's residents supported the Euromaidan, vs. 42% who did not support it. Public support differed among the various Ukrainian provinces, reaching about 80% in Western Ukraine vs. 63% in Central Ukraine, 30% in Eastern Ukraine, and 20% in Southern Ukraine and Crimea ('Yevromaidan pidtrymuie 50 % ukraintsiv, Antymaidan – 27 %', *Ukrainska Pravda*, 21 January 2014, available at: https://www.pravda.com.ua/news/2014/01/21/7010495/, accessed 23 March 2019).

(a) The Euromaidan (public protests on the Maidan square in Kyiv) were triggered by then president Victor Yanukovych's refusal to sign an Association Agreement with the EU. The Euromaidan movement comprised several groups motivated by diverse ideologies and interests. For example, a pro-European group demanded democratic reforms while right-wing nationalists clamoured for ethnolinguistic dictatorship (Ishchenko 2018). The economic super elites (oligarchs) treated the protests as a chance to replace or weaken the current ruling clan (the so-called *Donetskie*). Negotiations between President Yanukovych and the parliamentary opposition, mediated by the German, French, and Polish foreign ministers in the presence of a senior Russian diplomat, resulted in the so-called Kyiv Agreement of 21 February 2014.[4] The Kyiv Agreement provided for a transition period until the end of 2014, along with a government of national unity, constitutional reform, and a presidential election held sooner than previously planned. However, the protesters on the Maidan rejected the agreement as insufficient. It collapsed within days, and President Yanukovych decamped to exile in Russia. Several months of public protests on the Maidan had fostered polarisation within Ukrainian society. Not only did local clashes pit pro-European and pro-Russian supporters against one another; they also arose between different groups of elites competing for political power and economic resources. The Kremlin viewed the Euromaidan as Ukraine's geopolitical turn towards the EU, and thus as a threat to its influence and role as a regional hegemon. This perception of loss provoked Russia's response in Crimea and Donbas.[5] This caused the conflict to proliferate across additional dimensions.

[4] 'Agreement on the Settlement of Crisis in Ukraine', *The Guardian,* 21 February 2014, available at: https://www.theguardian.com/world/2014/feb/21/agreement-on-the-settlement-of-crisis-in-ukraine-full-text, accessed 17 April 2018.

[5] In an interview for the documentary *The World Order 2018*, Vladimir Putin revealed details about his communication with official Washington during the Euromaidan. As Putin explained it to a journalist, the American leadership had cheated him: Washington asked Putin to change Viktor Yanukovych's decision to deploy Ukrainian armed forces against the protesters on the Maidan. Later, the West broke this informal agreement with Putin and supported the coup d'état ('Putin: SSHA Prosili Sdelat Vse Chtobi Yanukovych ne

(b) An elite-driven conflict emerged between the *Donetskie* in Donbas and the newly appointed government in Kyiv over demands for greater local self-government. Facing the prospect of political marginalisation at the centre after the president's departure, the established local elites who had made up Yanukovych's power base were keen to maximise their local autonomy in order to protect their local assets and thrive economically. As one of our interviews suggests, the central and peripheral elites' conflict over greater autonomy for the latter was rooted in history, economic geography, and the ethnolinguistic structure of Ukrainian society: 'Local elites in Ukraine have always sought for greater autonomy, thus, a latent conflict has always existed. The weakening state capacity facilitates the escalation of latent tensions' (Interview 1).[6]

(c) Elite-driven conflict led different local elites in Ukraine (e.g., between the *Donetskie* and *Dnipropetrovskie*) to establish and fund a number of paramilitary battalions, such as *Dnipro, Azov, Donbas*, and *Tornado*, to be used as private armies pursuing control over assets in eastern Ukraine (Malyarenko & Galbreath 2016; Aliyev 2016).

(d) A mass-driven conflict – the so-called anti-Maidan – arose between the relatively pro-Russian population in Eastern Ukraine and the newly formed government in Kyiv. Initially, nonviolent protests were organised by local community leaders motivated by fear and resentment of the new government in Kyiv, which lacked legitimacy in the eyes of local protesters. However, this protest movement lacked meaningful and effective coordination from the outset. After the local Ukrainian elites' exodus from Donbas, it rapidly fragmented and degenerated into warlordism (Matveeva 2017; Pinchuk 2017).

Primenil Armiyu', *Rossiiskaya Gazeta*, 7 March 2018, available at: https://rg.ru/2018/03/07/putin-ssha-prosili-rf-sdelat-vse-chtoby-ianukovich-ne-primenil-armiiu.html, accessed 25 January 2019).

[6] By way of illustration, the weakness of Ukraine's state institutions facilitated centrifugal tendencies in other provinces of Ukraine as well. Outside of Donbas and Crimea, centrifugal tendencies were manifest in Transcarpathis and Odesa oblasts. In some cases these centrifugal forces rendered the Ukrainian government incapable of exercising effective control over certain areas/regions (International Crisis Group 2017).

(e) The annexation of Crimea by Russia, despite its local dimension, was overall an intrastate conflict between Russia and Ukraine.

(f) Aiming to destabilise the pro-Western government in Kyiv, Russia propagated and supported an effort that has been at the heart of the violent conflict in Donbas since 2014. It accounts for the overwhelming majority of conflict-related deaths, displacement, and destruction, and is often regarded as a proxy war (Galeotti 2016; Jonsson & Seely, 2015; Katchanovski 2016; Robinson 2016). Having identified the different, simultaneous, partly overlapping conflicts in Ukraine since late 2013, let us now attend to the various actors and the structures and contexts that form their operational sphere.

Crimea in Crisis

The extensive internationalisation of the Ukrainian crisis was manifest in Russia's March 2014 annexation of Crimea. The Russian experts we interviewed suggested that the 'reunification of Crimea with Russia' (as Russian politicians define the annexation), Russia's attempts to fuel the pro-Russian uprising in south-eastern Ukraine (the *Novorossiya* project), and the undeclared war in Donbas are bound together in a 'big deal' on Ukraine that Russia wanted to propose to the West (Interview 2). As our second expert interviewee suggested, 'The methods of Russia can change over time, but the geopolitical importance of Ukraine predetermines Russia's active involvement in Ukrainian affairs' (Interview 3). The goal of this 'big deal' is to establish, or re-establish, a Russia-friendly political regime in Kyiv and empower Eastern Ukrainian elites – whom the Kremlin believes to be traditionally aligned with Russia – to strengthen federalisation and local self-government through changes to Ukraine's constitution (Interview 4). At the military-political level, Russia took a comprehensive approach to warfare, deploying proxy soldiers, private military companies,

unmarked special forces, propaganda efforts and diplomatic pressure (Galeotti 2016; Jonsson & Seely 2015).

Ukraine demonstrates that a country without functioning, legitimate institutions is highly vulnerable to 'hybrid invasion' by an external actor. In 2014, the Ukrainian state's fragility was manifest when its obviously weak, demoralised armed forces proved unable to protect the borders of the country (Ministry of Defence 2013; SIPRI 2015; International Institute of Strategic Studies 2017). Russia's policy towards Ukraine relies on the linkages between Ukrainian society and Russia (e.g. their significant share of ethnic Russians and Russian speakers, common history, and cultural and economic ties). As a regional power, Russia also uses different types of leverage to keep Ukraine in its orbit, mainly economic privileges extended to secure the support and loyalty of Ukrainian oligarchs (e.g., discounted sale of Russian natural gas was proposed in exchange for keeping the Russian Black Sea Fleet's base in Sevastopol until 2042) and 'soft power' – a broad network of Russian media, joint cultural and education projects, and the Orthodox Church under the Moscow Patriarchy in Ukraine.

In independent Ukraine, Crimea has always been a zone of geopolitical risk due to its location on the country's periphery, population of ethnic Russians and Russian speakers, history, strong cultural ties with Russia, and stable pro-Russian self-determination attitudes.[7] According to a public opinion survey (Razumkov Centre 2008a), only about 9% of the Crimean population saw themselves as Ukrainian patriots, but 75% considered themselves to have been subjected to forced 'Ukrainisation'. Polls conducted by the same organisation between 18 October 2008 and 9 November 2008 also indicated that some 79% of the

[7] To our knowledge, there was no systematic research or monitoring of the sociopolitical situation in Crimea before 2014. Our conclusions in this article rely on think tanks whose research was independent in scope, purpose and methodology.

population had a favourable opinion of a union of Ukraine, Russia, and Belarus (Razumkov Center 2008b). A different poll carried out between 8 and 18 February 2014, while allowing for a significant margin of error, found 41% of Crimea's residents to be in favour of a union between Ukraine and Russia (KIIS 2014).

The Razumkov Centre's public opinion research has identified three anchors keeping the peninsular population within the Ukrainian state, despite strong stances on self-determination: Crimea's autonomous status, Russian language use, and the Russian Black Sea Fleet's naval base in Sevastopol (Razumkov Center 2008a; 2008b; 2011). The Euromaidan protests in Kyiv provoked sharp polarisation between different groups in Crimea, but they also motivated ethnic Russians and Russian speakers to join and strengthen the anti-Maidan movement.[8] Adopted at a moment of high polarisation between pro-Euromaidan and anti-Euromaidan supporters (i.e., the day after Ukraine's President Yanukovych fled Ukraine), the Law of Ukraine 'On nullification of the Law of Ukraine "On the Basis for a Public Language Policy" withdrew the privileges for Russian language in the Ukraine's Russian-speaking provinces granted by the nullified law.[9] As one expert explained it:

> This law was adopted at a very inappropriate moment, manifesting the intentions of Kyiv's new ruling elites to withdraw the rights granted to the ethnic Russians and Russian-speaking population by Yanukovych and his Party of the Regions. The adoption of this law was accompanied by intensive speculations about the status of

[8] Zeveleva O. (2019) How ordinary Crimeans helped Russia to annex their home, available at https://www.opendemocracy.net/en/author/olga-zeveleva-2/?fbclid=IwAR0gBzhnd0KuJ5HZC9dmteFwV3aK2HQCLqfPiUY_xqhlxle4emgm0J8rpbY accessed 23 March 2019

[9] The Law of Ukraine 'On cancellation of Law of Ukraine "On the Base for Public Language Policy"' No. 1190, 22.02.2014.

> Crimean autonomy and the Russian Black Sea Fleet in Sevastopol[10]. In fact, the law galvanised the anti-Maidan protests in Crimea and Donbas, which had been rather staid prior to its adoption. (Interview 5)

In the first months after the 'victory' of the Euromaidan, President Yanukovych and his government made their getaways from Ukraine while the newly appointed government consolidated its power in Kyiv's central institutions (parliament, army, prosecutor's office, police) so as to eliminate the possibility of reinstatement of the exiled president. From February 2014 until the early presidential elections that May, Kyiv's new ruling elites kept a distance from actions that might undermine their fragile position and legitimacy – including military operations in Crimea and Donbas (Interview 6, Interview 7) (see Ivanov 2017).[11] Shorthand documents from emergency meetings of the Council of National Security and Defence of Ukraine on 28 February 2014 ('On Urgent Measures to ensure National Security,

[10] The Russian Black Sea Fleet base in Sevastopol was a permanent bone of contention between political parties with declared pro-Russian and Euro-Atlantic aspirations. Ukraine's so-called democratic parliamentary opposition [(*Блок Юлії Тимошенко*) 'Yuliya Timoshenko's 'Block', (*Наша Україна*) 'Our Ukraine', and (*Всеукраїнське об'єднання «Свобода*») 'Svoboda') and leaders of the Euromaidan permanently claimed for a denouncement of 'Kharkiv Agreements' signed by president of Ukraine Viktor Yanukovych and president of Russia Dmitry Medvedev on 21 April 2010. See, for example 'NG: Ochikuiutsia Kharkivski ugody-2', *Korrespondent*, 20 June 2013, available at: https://ua.korrespondent.net/world/worldabus/1572656-ng-ochikuyutsya-harkivski-ugodi-2, accessed 2 May 2018.

[11] In a newspaper interview and in testimony before a Ukrainian court (supported by the testimony of then Minister of Defence of Ukraine Mikhailo Koval), Oleksandr Turchinov, then the acting president of Ukraine and current General Secretary of the Council for National Security and Defence, explained: 'The first task was to conduct the presidential elections openly and transparently in order to secure the legitimacy of the newly appointed Ukrainian government (…) There was widespread sabotage among public servants at all levels. Many of them did not believe we would be able to keep order and political power. They were really waiting for Russia's invasion and the return of Yanukovych'.

Sovereignty and Territorial Integrity of Ukraine') demonstrate that the Ukrainian government's decision to avoid military operations when responding to Russia's occupation and annexation of Crimea was informed by several factors:

(a) an assessment concluding that a full-fledged Russian military invasion to restore the Yanukovych government and impose further consequences was highly probable and warning that, 'Russia will certainly use the ex-president of Ukraine'; furthermore, '[t]here is a concentration of Russian troops along the Ukraine-Russia border. Russia is mobilising 8,000 troops, 761 tanks, 2,200 troop carriers, 130 helicopters and 90 military aircrafts in the vicinities of Kyiv, Kharkiv, Donetsk' (Council of National Security and Defence of Ukraine 2014, p. 10);

(b) a 'widespread betrayal of Ukraine by military, police and other law-enforcement officers located in the Crimea (…) who went over to command of the (Russian) military invasion' (Council of National Security and Defence of Ukraine 2014, p. 5);

(c) widespread support for Russian invasion among the local population in Crimea (Council of National Security and Defence of Ukraine 2014, p. 6). This led the Ukrainian government to act so as to 'avoid armed clashes and casualties among the local civilian population, which could provide Russia with justification for Russian military pressure' (Council of National Security and Defence of Ukraine 2014, p. 5);

(d) the low capacity of the Ukrainian armed forces and low support for a new, post-Maidan military government :

> Military and *siloviki* are demoralized (….) They are intolerant of the new government and they are not ready to carry out our orders (…) The moral and psychological

> climate of the military community is very low if not mutinous. We do not have an army. Today we can potentially muster no more than 5,000 battle-ready troops from all Ukraine. (Council of National Security and Defence of Ukraine 2014, p. 11)

Therefore, Kyiv's reaction to the annexation of Crimea has mostly taken the form of diplomatic efforts to initiate and maintain sanctions on Russia and prompt international organisations like the UN, OSCE, and Council of Europe, to issue decisions in support of Ukraine's territorial integrity. Ukraine has also filed a number of claims in international courts seeking compensation for its assets in Crimea. The Ukrainian parliament passed a law acknowledging the temporary occupation of Crimea and establishing privileges for Ukrainian businesses operating in Crimea. It also laid the foundations for protection of the human rights of Ukrainian citizens living in Crimea (Law of Ukraine, 1207-18). Similar concerns about the legitimacy of the post-Euromaidan government and low public support for the Euromaidan in Eastern Ukraine explain the deference of Kyiv's counterinsurgency operation in the Donbas province of Ukraine.

Origins of conflict in Eastern Ukraine

The potential for conflict, as indicated by the level of competition and increasing zero-sum outcomes of Ukrainian politics, increased in tandem with the unmet expectations of the Orange Revolution and the unsigned agreement with the EU. In 2014, the flight of then president Viktor Yanukovych, his government, and his 'business family' to Russia brought about a temporary failure of the Ukrainian state: unable to exercise effective control over its territory, it was consequently unable to protect its national borders. The public support and legitimacy of the newly appointed post-Euromaidan government was limited because public support for the Euromaidan itself was limited, especially in eastern and southern parts of

Ukraine.[12] The paralysis of vital state institutions brought about the state's temporary failure in March and April 2014, which in turn facilitated the conflict's escalation in several different dimensions. First, Yanukovych's flight triggered competition among Ukrainian elites vying for political power and economic resources.[13] In Ukrainian politics, the rule 'winner gets all' is manifest in winners' efforts to consolidate political power and economic resources while simultaneously undermining the economic potential of potential political competitors[14]. In 2014, the post-Euromaidan government and civil society referred to their experience in 2004/05, when compromise with Eastern Ukrainian elites (the Party of the Regions) after the Orange Revolution led to the latter's restoration as a major power in Ukrainian politics after the parliamentary elections of 2006 and 2007 and the presidential elections of 2010. In 2014, in step with the regime change in Kyiv, influential oligarchs like Yuliya Timoshenko and Igor Kolomoiskii returned to Kyiv and Ukrainian politics and sued for restitution of their business assets, which had been appropriated by the previously dominant 'clan'.

Moreover, according to open-source information and our previous research, paramilitary battalions (both pro-governmental and pro-Russian) were created, first as private armies that oligarchs used to protect their property under the conditions of temporary state failure in early 2014, outlined above. Entrepreneurs and ordinary citizens countrywide armed themselves and established self-defence groups for the same purpose (Interview 11, 12). Unlike in 2005 (the

[12] 'Yevromaidan pidtrymuie 50 % ukraintsiv, Antymaidan – 27 %', *Ukrainska Pravda*, 21 January 2014, available at: https://www.pravda.com.ua/news/2014/01/21/7010495/, accessed 23 March 2019).

[13] For example, our interlocutors representing the business community in Donbas emphasised that the frequent cases of enforced changes in property rights (sometimes involving torture, kidnap, and murder) began after the institutional failure of the Ukrainian state in Donetsk and Luhansk in April-May 2014 (Interview 8-10).

[14] The rule 'winner gets all' is evident in the consecutive domination of regional politico-economic clans in Ukrainian politics: *Dnipropetrovskie* have been affiliated with President of Ukraine Leonid Kuchma, *Donetskie* with President of Ukraine Viktor Yanukovych, and *Podolskie* with President of Ukraine Petro Poroshenko.

Orange Revolution), the post-Euromaidan government and civil society rejected any compromise with Yanukovych and the Eastern Ukrainian elites who supported him. Civil society organisations pressed for radical change towards democratic decision making, transparency, and good governance, which they believed could be achieved through purging the public servants, police, and military who were employed by Yanukovych's government (Interview 13, 14)[15]. Ukrainian far-right movements used exclusionist ethnonational rhetoric to mobilise public support (Minakov 2017; Ishchenko 2018).

Disillusionment with the Euromaidan was even greater in Donbas (i.e., the Donetsk and Luhansk oblasts of Ukraine, the home region of ousted president Viktor Yanukovych), where 78% of respondents considered the Euromaidan an illegal coup d'état.[16] As many as 59% of respondents in Donbas supported the federalisation of Ukraine, and about 31% supported the

[15] The Law of Ukraine 'On Purification of Authorities' N 1682-18 from 16.09.2014 ('Law on Lustration') together with other legislative documents consolidated the legitimacy of new political regime. E.g., the Law of Ukraine N 743-18 from 21 February 2014 'On Barring of Suit and Penalty for Individuals Participating in Peaceful Assembly' (still in force) exempts participants of the Euromaidan protests from criminal liability for a wide spectrum of crimes they conducted during the Euromaidan, including violent change of the constitutional order or the capture of political power (article 109 of the Criminal Code of Ukraine), assassination of public servants (article 112), sabotage (article 113), wilful bodily injury (article 121), death threat (article 129), and others others (See 'Law of Ukraine: On Barring of Suit and Penalty for Individuals Participating in Peaceful Assembly', N 743-18, 21 February 2014, available at: http://zakon5.rada.gov.ua/laws/show/743-18, accessed 31 January 2019). Article 2 of The Law 'On Purification' identifies then president of Ukraine Victor Yanukovych as a 'usurper of political power'; thus, 'the lustration has been conducted to prevent those who assisted Yanukovych in his governance' ('Law of Ukraine 'On Purification of Authorities', N1682-18, 16 September 2014, available at: http://zakon5.rada.gov.ua/laws/show/1682-18, accessed 31 January 2019).

[16] 'Mneniya I Vzglyadi Zhiteley Yugo – Vostoka: Aprel 2014', Dzerkalo Tyzhnya, 18 April 2018, available at: https://zn.ua/UKRAINE/mneniya-i-vzglyady-zhiteley-yugo-vostoka-ukrainy-aprel-2014-143598_.html, accessed 31 January 2019.

separation of Donbas from Ukraine versus 56% who opposed it (Sociological Group «Rating» 2014).

The processes of fragmentation in Donbas have deepened since March 2014. The senior political leadership of both oblasts, affiliated with the exiled president Viktor Yanukovych and the *Donetskie*, absconded. Mid-career public servants broadly ignored the decisions of the newly appointed government (Turchinov 2017). Absent a strong chain of command, some local mayors declared support for the situation in Crimea (e.g., Mayor of Slaviansk Nelya Shtepa) or just waited for a clearer political situation (e.g., Mayor of Donetsk Oleksander Lukianchenko, who governed the city of Donetsk until Strelkov's army invaded in July 2014).

Vladimir Putin's former advisor Gleb Pavlovsky considered the temporary failure of the Ukrainian state and the resulting situation in Donbas as 'a vegetative life form of a body without a head (…) Informal violence, blurred and uncertain (…) when you cannot understand whom you are dealing with. The front without a front line, where paramilitary troops which have uncertain ideologies, forms and territorial allocation, employ both baseball bats and 'Buks' (surface to air missiles) (Bykov 2016).

Russia's campaign to destabilise the post-Euromaidan political regime in Kyiv incorporated its support for, and orchestration of, the anti-Maidan movements in Donbas (Interviews 2, 11). Russia's support of the protest movement in Donbas evolved from its supply of money, volunteers, and weapons to covert invasion by mercenaries (Strelkov's army) and direct military invasion by 'vacationers' in August 2014 (i.e. Russian special forces). When necessary, Russian regular forces were deployed for certain missions in Donbas. In this low-intensity theatre, the integration of different arms – tanks, infantry, artillery, air defence – was carried out by battalion- or company-level tactical groups (Perssons 2016).

The conflict escalated dramatically in the months between the international negotiations on the Eastern Ukrainian crisis in Geneva on 17 April 2014 and the later talks on 5 September 2014 (Minsk I) and 11 February 2015 (Minsk II). The Geneva statement declared a need for an 'inclusive, transparent and accountable constitutional process in Ukraine with the immediate establishment of a broader national dialogue with outreach to all of Ukraine's regions and political constituencies'[17]. The Minsk agreements provided for the norm of special status for 'separate parts of Donetsk and Luhansk oblasts'[18].

The question of whether the Ukrainian state has sufficient capacity (economic resources, necessary legislation, institutions, and public support) to implement the Minsk agreement, is still open. In Ukraine, the rationale behind the implementation has sparked major policy debates. According to Lawrence Freedman, the failure of Minsk resulted from the lack of strategy or vision of a way to solve the conflict: 'With no strategy for bringing their war to a conclusion, Ukraine and Russia are now seeking each other's exhaustion' (Freedman 2015). Volodymyr Gorbulin, then director of the government's National Institute for Strategic Studies, suggested that 'Ukraine signed the Minsk agreement under pressure' and thus 'has to strive for the changes in the format of future negotiations around Donbas, first of all with the aim to remove the requirement of special status for Donbas within Ukraine and other claims towards Ukraine's territorial-administrative arrangement from the subjects of future negotiations (…). The problem of conflict settlement in Donbas has to be solved along with

[17] 'Joint Geneva Statement on Ukraine from April 17: The full text', Washington Post, 2014, available at: https://www.washingtonpost.com/world/joint-geneva-statement-on-ukraine-from-april-17-the-full-text/2014/04/17/89bd0ac2-c654-11e3-9f37-7ce307c56815_story.html?utm_term=.b09bf5ef1876, accessed 31 January 2019.

[18] 'Full text of the Minsk agreement', *Financial Times*, 12 February 2015, available at: https://www.ft.com/content/21b8f98e-b2a5-11e4-b234-00144feab7de, accessed 21 March 2019.

the weakening of Russia as a geopolitical player and settlement of other frozen conflicts on the post-Soviet space' (Gorbulin 2016).

Like other Ukrainian senior officials, the president of Ukraine, Petro Poroshenko, emphasised that all peace agreements concerning settlement of the conflict in Donbas (the Geneva Agreement of 17 April 2014 and Minsk Agreements of 5 September 2014 and 11 February 2015) advanced Russia's interests only. Former President Leonid Kuchma, Ukraine's representative in the Minsk group, suggested in a newspaper interview that 'nobody believed in the Minsk agreement from the very beginning'[19]. Regarding Ukraine's interest in the Minsk Agreements, Poroshenko explained: 'Thanks to Minsk, we initiated a mechanism for international sanctions against Russia. We won some time for the creation of a new Ukrainian army and democratic reforms'[20]. In November 2017, Minister of Interior Arsen Avakov stated that 'the Minsk Agreements exhausted themselves'. Avakov's adviser, MP Anton Geraschenko, elaborated: 'We needed the Minsk Agreements in 2014-2015. President of Ukraine Poroshenko brought together global leaders who put pressure on Russia. Together we stopped Russia's military invasion onto Ukraine's territory. In fact, Poroshenko and our diplomats cheated Russia. When we signed the Minsk Agreements, we understood that we would never implement them'[21].

[19] 'Kuchma: Pochemu Minskie Soglasheniya Ne Podpisali', *Dzerkalo Tyzhnya*, 16 December 2017, available at: https://zn.ua/POLITICS/kuchma-na-yes-pochemu-minskie-soglasheniya-ne-podpisali-merkel-olland-poroshenko-i-putin-lichno-260257_.html; accessed 31.01.2019.

[20] 'Minskie soglasheniya ne ideal'ny, no blagodarya im nad Ukrainoi mirnoe nebo, - Poroshenko', *Censor.Net*, 22 August 2017, available at: https://censor.net.ua/news/452678/minskie_soglasheniya_ne_idealny_no_blagodarya_im_nad_ukrainoyi_mirnoe_nebo_poroshenko, accessed 25 January 2019.

[21] 'Poroshenko i nashi diplomaty prosto obmanuli Rossiyu s Minskimi soglasheniyami", - Anton Gerashchenko', *Strana.ua*, 29 November 2017, available at: https://strana.ua/news/108247-herashchenko-prokommentiroval-slova-avakova-o-smerti-minskikh-sohlashenij.html, accessed 25 March 2018.

The Law of Ukraine 'On Particularities of the State Policy on Providing State Sovereignty of Ukraine over Temporarily Occupied Territories in Donetsk and Luhansk Oblasts'[22]. The law identifies Russia as an 'occupying country' and an aggressor against Ukraine. The Law acknowledges both Russia's occupation of Donetsk and Luhansk and the DPR and LPR as 'Russian occupational administrations'. In fact, though, this law represents Ukraine's withdrawal from the Minsk agreements, which were signed by so-called 'representatives of the Donetsk and Luhansk People's Republics' (the status of the DPR and LPR has been debated in International Court of Justice proceedings).[23] The law also marks an official legalised shift away from an intrastate definition of the violent conflict in Donbas, now treated as an interstate war in Ukraine's foreign and security policy. As Ukraine is unable to win the war by military means, the low-intensity conflict has become (temporarily) frozen.

Determining Conflict Potential

In step with our analytical model, the case of Ukraine shows that in a country that has neither functioning, legitimate institutions that engender loyalty in civil servants nor an inclusive society, external actors are able to use 'goal incompatibility' and 'perceptions of interference' to foster political change through collective violence. Hence Russia was able to construct and escalate conflict between state and non-state actors in Ukraine in 2014. Even if Russia made mistakes and miscalculated local support, it would be very difficult to undo things now and go back to the status ante in Ukraine. Systemic factors of state weakness – collapse of the army and governance, rent-seeking behaviour of the elites, lawlessness, anarchic political culture – created a favourable environment for implementation of Russian tactics of covert occupation

[22] The Law of Ukraine N7163 from 18.01.2018 'On Particularities of the State Policy on Providing State Sovereignty of Ukraine over Temporarily Occupied Territories in Donetsk and Luhansk Oblast' available at https://zakon.rada.gov.ua/laws/show/2268-19 accessed 23 March 2019

[23] *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, 2017/2018, available at: http://www.icj-cij.org/en/case/166, accessed 21 April 2018.

and occupation by proxy. Meanwhile, the pre-existing conditions of conflict potential in Ukraine rendered the state incapable of responding so as to prevent the conflict.

Towards a new 'frozen conflict'

Since February 2015 (Minsk II), the current 'no peace, no war' disposition towards the conflict in eastern Ukraine has been cemented. Applying our analytical model, we explain this situation as one in which actors with mutually incompatible goals pool their resources for achievements in the long run while reducing mutual dependency in the short and medium term to minimise the likelihood of immediate conflict.

The logic of Kyiv's policy of minimising Ukraine's dependence on Russia, Crimea, and the uncontrolled part of Donbas derives from its interest in increasing the Ukrainian state and society's resilience to external leverage and potentially destabilising linkages. A set of full-fledged protective measures is aimed at blocking Russian influence and cutting ties between Ukraine and Russia, including the Russia-controlled Crimea and Donbas. The National Institute for Strategic Studies, a major governmental think tank affiliated with the administration of the president of Ukraine Poroshenko, explained the need to isolate Donetsk and Luhansk:

> The Russian threat has a long-term character (…) the conflict in eastern Ukraine become 'frozen' (…) therefore, the territory of separate regions of Donetsk and Luhansk oblasts should be properly localised until the beginning of reconciliation which means the restoration of Ukraine's territorial integrity and full control over the occupied territories. (NISS 2017).

One Ukrainian expert we interviewed explained the rationale behind Ukraine's policy thusly: 'The reintegration of Donbas under Ukraine's current weak institutions would likely lead to further disintegration of the country' (Interview 1). Russian minister of Foreign Affairs Sergei

Lavrov , explained the role of the DPR and LPR in Russia's policy towards Ukraine: 'If we recognize DPR and LPR, we will lose Ukraine (…) We need all Ukraine'[24].

Since 2014, Donetsk and Luhansk have been gradually excluded from Ukraine's government-controlled territories through the establishment of militarised fortifications and borders, withdrawal of Ukrainian state institutions and authorities, institutional exclusion and curbs on residents' human rights, including possible termination of Ukrainian citizenship for residents of uncontrolled territories (President Poroshenko submitted the draft law N8297 to the Verkhovna Rada on 19 April 2018). In 2015, the Ukrainian government initiated economic and transport blockades to limit civilians' movements from and to Donetsk and Luhansk. By 2018, Kyiv had constructed two fortification lines around the war-affected territories and brought a special legal regime of civil-military administration into force in the Ukraine-controlled Donbas.

The institutional exclusion began with adoption of the Decree of the President of Ukraine N875 of 14 November 2014, according to which:

> Functioning of all state-owned enterprises, public organisations, and establishments should be abrogated on separate territories in the zone of anti-terroristic operation; documentation and assets should be evacuated (…) National Bank of Ukraine shall discontinue serving accounts opened by legal entities and population in the ATO zone (….) Ministry of Foreign Affairs should inform General Secretary of Council of Europe about the implementation of measures incompatible with Ukraine's obligations as a

[24] Sergei Lavrov: voini s Ukrainoi ne budet, *Komsomol'skaya Pravda, 17 December 2018, available at* https://www.crimea.kp.ru/daily/26921/3968646/, accessed 24 March 2019

signatory of the Convention for the Protection of Human Rights and Fundamental Freedoms'. (President of Ukraine 2014)

Decree N875 suspended the functioning of Ukrainian public institutions and central and local governance bodies in the rebel-controlled territories. It also declared any form of self-organisation and local governance in Donetsk and Luhansk illegal. Moreover, this Ukrainian legislation criminalised local residents' and businesses' participation in any form of cooperation with authorities of the self-declared republics. Simultaneously, by decision of the Cabinet of Ministers of Ukraine N595 from 11 July 2014, disbursements of pensions and other social benefits to citizens who had not moved out of the zone of anti-terrorist operations were likewise suspended. Since November 2014, Ukrainian legislation has gradually cemented the isolation of rebel-controlled territories (e.g., by amending the Laws of Ukraine 'On the fight against terrorism', 'On temporary measures for the period of ATO', and 'On special rule in some parts of Donetsk and Luhansk oblasts', among others).

The economic and transport blockade of the uncontrolled territories is regulated by the Decree of the President of Ukraine N298 'On implementation of the decision of the Council for the National Security and Defence of Ukraine' of 4 November 2014, 'On the energy security of the state', and the 'Temporary order of control over movement of individuals through the frontline in Donetsk and Luhansk oblasts'. Some enterprises under Ukrainian jurisdiction managed to operate in the uncontrolled territories until 15 March 2017 (whereupon they were terminated by the Decree of the President of Ukraine N62/2017 'On urgent additional measures against hybrid threats to the national security of Ukraine').

Since 2014, Ukraine has clearly tended to reduce its economic dependence on Russia and the uncontrolled Donbas. As part of the trade war, Russia and Ukraine imposed mutual sanctions.

The loss of Russian markets and supplies led to deep production cuts in Ukrainian machine-building and metallurgy, shifting Ukraine's economy towards raw materials and agriculture. Following the economic and transport blockade of the uncontrolled Donbas and the breaking of ties with Russia, Ukraine suffered economic decline of 6.6% GDP in 2014 and 9.8% in 2015. Moderate economic growth of 1-2% in 2016 and 2017 could not compensate for the drop in production and exports[25]. The National Bank of Ukraine estimated that direct losses from the economic blockade of Donbas cost the Ukrainian economy about USD 1.8-2.0 billion in 2017 and about USD 0.5 billion in 2018[26]. The Ukrainian government and independent experts have assessed the total losses from the undeclared war with Russia between 2014 and 2017 at USD 80-100 billion (Åslund 2018).

Ultimately, the tendency towards complete localisation of the conflict in Donbas was strengthened by the Law of Ukraine N7163 of 18 January 2018. The law identifies Russia as a country

> which initiated, organized and supported terroristic activity in Ukraine, and it is responsible for occupation of separate regions/parts of Donetsk and Luhansk oblasts and military aggression against Ukraine using regular armed forces, and other, irregular troops and instructors as well as through employment of managed, controlled and funded armed groups, irregular troops and bands.

The law also clarifies the status of local administrations in Donetsk and Luhansk as 'Russian occupation administrations'. According to this law, Russia as an occupying state shall bear all responsibility for infrastructure as well as social protection and humanitarian assistance for

[25] See Ukraine GDP, 2018, available at: https://tradingeconomics.com/ukraine/gdp, accessed 13 May 2018.

[26] 'V NBU podschitali, skol'ko poteryala Ukraina iz-za blokady na Donbasse', *Segodnya*, 11 December 2017, available at: https://www.segodnya.ua/economics/enews/v-nbu-podschitali-skolko-poteryala-ukraina-iz-za-blokady-na-donbasse-1097607.html, accessed 13 May 2018.

the population. In a lawsuit against Russia that Kyiv brought before the International Court of Justice, Kyiv acknowledged Russia's effective control over Donetsk and Luhansk.

Kyiv's policy of formal and informal exclusion of Donetsk, Luhansk, and Crimea, implemented since 2014, is a tactical element aimed at strengthening the state and consolidating power. Ukrainian expert Andrey Ermolaev explained the rationale behind these tactics: 'Taking into account the unbalanced interests of the Ukrainian elites, an attempt to create a small but strong nation-state with a minimum of competitors for the historical past, but on a smaller territory, is an acceptable concept in Ukraine's post-Euromaidan state building – the so-called Small Ukraine concept' (Stremidlovskii 2017). These tactics have important implications, above all for the national security of Ukraine. Crimea's and Donbas' utility as leverage that Russia can use to destabilise Ukraine has significantly decreased due to Kyiv's policy of complete isolation and minimisation of their influence on political and socioeconomic life in Ukraine.

Unsurprisingly, the so-called People's Republics have self-excluded themselves, following the same logic of the consolidation. Externally appointed governments in Donetsk and Luhansk are forced to compete with Kyiv and former local Ukrainian elites for political power, economic resources, and legitimacy. As part of their entrenchment policy in the occupied territories, the DPR and LPR resist Ukraine's leverage and cut the linkages between self-declared republics and government-controlled territories.

The impossibility of DPR and LPR's immediate reintegration into Ukraine in 2014-2015 obliged the leaders of self-declared republics (and informally, Russia) to take responsibility for maintaining order in the occupied territories and the functioning of socioeconomic infrastructure in Donetsk and Luhansk, including the requisite concrete steps towards

institution-building (there were no institution-building efforts or support for social infrastructure and social payments until May 2015). The initial institution-building efforts were focused on creating security institutions like police and border protection, and establishing a central command for previously disintegrated armed troops, to whom paramilitaries were subsequently to be subordinated (Malyarenko & Galbreath 2016). In spring of 2015, when centralised payment of pensions and public-sector salaries began, the governments of the DPR and LPR created a republican banking systems (the National Bank of Ukraine had terminated financial operations with the uncontrolled territories in summer 2014) and established bodies to collect taxes from local businesses.

Nevertheless, the priority of war against Ukraine over socio-economic affairs has been obvious ever since the formal declaration of DPR and LPR independence in April 2014. As one of our expert interlocutors suggested: 'The republics were created for war, not for civilian life' (Interview 12). To support ongoing armed conflict, Donetsk and Luhansk need to build military might by mobilising civilian men and women in armed forces and securing funding and supply or production of weapons.

The lack of open-source, objective information from the uncontrolled territories limits any assessment of the military potential of DPR and LPR. From 2016 to 2018, the armed forces of the self-declared DPR and LPR were mostly composed of Ukrainian citizens (about 35,000 troops). According to the *Military Balance*, at least 300 Russian troops are confirmed to have participated, including Russian mercenaries in command positions (International Institute of Strategic Studies 2017). Ukrainian troops number about 52,000 on the first line of defence and about 120,000 on the second and third lines (Interview 15).

The types and features of military equipment used by the DPR and LPR (according to *Ukrainian Defence Review* data, the DPR and LPR have at their disposal about 600 tanks, 1,300 troop carriers, 860 different artillery, and 300 multiple rocket systems) are equivalent to the military equipment used by the Ukrainian army (Ukrainian Defence Review 2013). However, one Ukrainian military expert suggested, 'The military potential of DPR and LPR is sufficient to defend the borders of the occupied territories during a low-intensity operation. But the armies of the DPR and LPR cannot protect them if the Ukrainian command launches a full-fledged military campaign – the so-called Croatian scenario' (Interview 15). Meanwhile, the commander of Ukrainian military headquarters estimated that the Ukrainian Army would potentially lose 10-12,000 troops in two weeks of such a military campaign[27]. On the other hand, the Russian experts we interviewed emphasised the high likelihood of open invasion as Russia's answer in the Croatian scenario (Interviews 3, 16).

According to the data of the Ukrainian Defence Review, Donetsk and Luhansk have never specialised in military production; still, a few modern military factories and several 'double usage' factories are able to produce both civilian goods and the military equipment for the DPR and LPR armies in the occupied territories of Donetsk and Luhansk oblasts. These factories are Topaz, which has the capacity to produce contemporary radar systems; the Donetsk State Factory of Rubber Technical Products, which makes a wide spectrum of explosives; Luhansk Cartridge, a producer of live bullets; and 'double usage' factories such as Tochmash, a maker of machines and equipment; Stirol – formerly one of the biggest chemical producers in Europe; the Luhansk Carriage-Building Factory, and others. In addition, three major railroad hubs (Debaltsevo, Yasinovata, and Ilovaisk) and a dense network of railroads

[27] 'Muzhenko ozvuchil masshtabnye poteri VSU v sluchae silovogo stsenariya na Donbasse', *24 Kanal*, 5 October 2017, available at: https://24tv.ua/ru/muzhenko_ozvuchil_masshtabnye_poteri_vsu_v_sluchae_silovogo_scenarija_na_donbasse_n873152, accessed 25 March 2018.

connect the self-declared republics to Russia and have been used to supply arms and other goods and resources from and to Russia. Despite the destruction of its ground-based facilities, the Donetsk airport is still able to serve transport and military aircraft. The research-military infrastructure of the self-declared republics consists of Donetsk National Technical University (among Ukraine's top universities in 2013), and 18 research institutes specialising in artificial intelligence, among other fields. In 2015 and 2016, new command and defence colleges and police academies were established in Donetsk and Luhansk.

But if economic potential is the key to being able to make war, are the self-declared republics' economies sufficient to maintain the ongoing low-intensity conflict against Ukraine? The war, their non-recognised status, and their broken ties with Ukraine-controlled territories have had a massive impact on socioeconomic affairs in Donetsk and Luhansk, creating a situation in which the population's main sources of income are labour migration, pensions, salaries, and other subsidies (largely paid by Russia) for socially vulnerable groups, army, police, local authorities, and a wide range of public employees in the education, health care, cultural, and municipal infrastructure sectors (Interview 10). The structure of the region's economy changed in response to the dramatic shocks caused by severance of economic and trade relations between traditional partners and the loss of both markets in Ukraine and traditional supply channels.

The DPR's Institute for Economic Study reported in 2017 that the economy was structured around metallurgy (37%), production of electricity (26%), food industry (11%), chemistry (9%), coal mining (8%), and machine building (2%) after suffering economic declines of 19.9% in 2014 and 47.5% in 2015. At the same time, previously industrially developed territories of Donbas were shifting to greater production in agricultural industries (agricultural production volumes increased threefold between 2014 and 2016) and foodstuffs

(production of foods rose several times over – e.g. tomato production rose by a factor of 11 while milk production tripled). The main markets for these agricultural and food products are located in Russia (Institute for Economic Study 2017). Local experts estimate that 20-30% of industrial enterprises located in rebel-controlled territories will easily be able to adapt to the new conditions and 50-60% will find their place in the markets after some restructuring. The other 20% cannot adopt and should be closed. Deeper integration with Russia is the only path to economic survival (Interview 10, 11).

Insofar as the shift towards production for military purposes changes the economic structure of the uncontrolled territories, deepening militarisation affects society in Donetsk and Luhansk. It is especially visible in compulsory programmes of military education in secondary schools and universities, mandatory conscription, and military training for the populace. Moreover, the intensity of propaganda and the culture of war, spread via the media, has gotten ever stronger. The high share of the population employed in the army, police, and public service in Donetsk and Luhansk deepens society's engagement in the life of the self-declared republics through family ties and neighbourhood networks.

The question of citizenship is critical to the entrenchment of the self-declared republics and the strength of their external and internal legitimacy. Outside of the illegal referendum on independence in May 2014 and illegal elections in November 2014, residents of Donetsk and Luhansk have not been presented with citizenship options since 1991. Formally, residents of the rebel-controlled territories are citizens of Ukraine; however, republican authorities also consider them 'citizens' of the DPR or LPR[28]. Since 2014, Russia has recognized some

[28] For example, a so-called Declaration of Citizenship adopted by the 'parliament' of the self-declared Luhansk People's Republic considers all citizens of Ukraine who were formally registered in the rebel-controlled territories on the date of the Referendum on the Independence of the LPR to be 'citizens' of the LPR.

documents issued by authorities of self-declared republics, but holders of DPR/LPR passports cannot undertake crucial legal procedures concerning migration, property rights, financial operations, and civic status.

According to Ukrainian official statistics, about 1.5 million residents of the uncontrolled territories have applied for the status of internally displaced person (IDP) in Ukraine[29]. Official statistics of the State Border Guard of Ukraine put the daily number of civilians crossing the border between the rebel- and government-controlled territories at 30-35,000[30]. The mere fact that more than 50% of registered residents have moved from the self-declared republics to Ukraine-controlled territory raises the question of the internal legitimacy of, and public support for, the separatist republics.

In 2017/18, the leadership of the self-declared republics redoubled their previous efforts to 'root' the population in the territory they control by obstructing travel to Ukraine-controlled territory. By way of illustration, on 15 December 2017 the DPR's then head, Aleksander Zakharchenko, signed a decree forbidding travel to Ukraine by certain population groups: 'public servants', employees of organisations funded by the republican budget (education, health, culture, local administration, public transport, etc.), and employees of the occupied industrial enterprises.[31] The self-declared republics experienced the 'freezing' of conflict with

[29] 'V Minsotspolitiki nazvali kolichestvo pereselentsev', *Finance.ua,* 8 January .2019, available at: https://news.finance.ua/ru/news/-/441712/v-minsotspolitiki-nazvali-kolichestvo-pereselentsev, accessed 25 January 2019.

[30] 'Liniya razgranicheniya: Za 11 mesyatsev v «L-DNR» v"ezzhali bol'she, chem vyezzhali (Infografika)', *Donetskie Novosti*, 10 December 2018, available at: https://dnews.dn.ua/news/698394, accessed 25 January 2019.

[31] 'Gossluzhashchim vremenno zapreshchen vyezd na territoriyu Ukrainy', 2017, available at: https://dnr-online.ru/gossluzhashhim-vremenno-zapreshhen-vyezd-na-territoriyu-ukrainy/, accessed 25 January 2019.

Kyiv as a step towards higher stability and predictability for institutions, the economy, and citizens. The ongoing armed conflict and entrenchment of the DPR and LPR in Donetsk and Luhansk, in addition to broken economic ties, limited mobility, and proliferation of propaganda, will inevitably increase the difficulty of any future reintegration with Ukraine.

Towards confrontation with Russia

The domestic logic of 'no peace, no war' has consequences beyond the local level of the conflict, as it locks Russia and the West into a similar 'winner takes all' situation. With each side competing for influence in Ukraine and fearing that any concession or compromise equates to a 'loss' for itself and an equivalent 'gain' for the respective opponent, the current status quo is each side's second-best and currently sole achievable outcome. Consolidation of the status quo in the Donbas province of Ukraine will likely lead to activation of other leverage in the competition and confrontation between Kyiv and Moscow as well as Russia and the West, in Ukraine and other parts of the world.

The frozen conflict in Donbas, along with decreased dependence on Russia (despite the consequent short-term economic losses), gives Ukraine a chance to strengthen its democratic institutions and cooperate more closely with the EU and NATO. However, this prospect holds some risks. In the worst-case scenario, protracted political instability and latent tensions combined with ever stronger authoritarianism and corruption, set against economic decline, curtailment of human rights and freedoms, and massive human flight from the country, will likely facilitate the processes of Ukraine's marginalisation and heighten Russia's geopolitical aspirations with respect to Ukrainian territory.

Conclusion

We seek to make an original contribution by dispelling the notion that the war in Ukraine is a lagged war between Ukrainians and Russians resulting from the breakup of the Soviet Union. Rather, we show that the post-Soviet settlement that decided the balance between political and economic power in Kyiv and Donetsk kept the Ukrainian state weak, if not failed, while also maintaining a peace dividend that was shaken first by the Orange Revolution and then, ten years later, in the Euromaidan protests. We have argued in previous publications (Malyarenko & Galbreath 2013; 2016) that the weak state and poor centre-periphery relations contributed substantially to the increased potential for conflict. Here, though, we suggest that core structural principles increased the probability of conflict, leading many to claim it is either a civilisational conflict or a proxy war between the West and Russia.

Furthermore, the findings detailed here with reference to Schmidt and Kochan (1972) are significant because they clarify the when, how and why questions that elude other analyses of the conflict in Ukraine. Using organisational theory, we show how goal incompatibility and perceptions of interference play an important role in setting the scene for conflict potential. Importantly, this finding suggests that whereas the conditions for conflict can be exacerbated by Russia's actions and increasing reactions to the West, the prospect of peace relies firmly on the core challenges of improving the state's capacities and centre-periphery relations. This means that even if Russia continues to withdraw material aid to the separatists in Donbas, conflict potential remains. This finding holds significance for the future of the Minsk II agreement and the prospect of peace in Ukraine going forward.

Finally, our research relied on a rigorous investigation of the conditions for conflict potential in Ukraine. Using data from extensive interviews, government documents in Ukrainian and Russian, and fieldwork in the Donbas region, we sought to present a more complex picture of

the conflict that more clearly explains the war in Eastern Ukraine. This work incorporated the challenges of language differences and fieldwork in sensitive areas with sensitive sources.

The war itself doggedly persists. The line of contact remains hot; both sides suffer regular casualties. Ukraine continues to receive material aid from the West while Russia continues to send material aid to the 'people's republics'. The result is an uncomfortable status quo regarding the Donbas and arguably Crimea. Here we have shown that going forward, the prospect for peace must include pathways to sustainable development and growth in state capacity for the benefit of all, as well as a new peace dividend for Ukraine's oligarchs. Overcoming these contradictions will be key to reduced conflict potential going forward.

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Appendix. List of interviews

Anonymised interlocutor	Reference
Academic, Kharkiv Karazin National University, Kharkiv, Ukraine	Interview 1
Advisor, Russian Council on International Affairs, Moscow, Russia (via e-mail)	Interview 2
Academic, Southern Federal University, Rostov-on-Don, Russia (via e-mail)	Interview 3
Expert, Carnegie Moscow Centre, Moscow, Russia (via Skype)	Interview 4
Former Ukrainian MP, Kyiv, Ukraine	Interview 5
Former public servant, Crimea, Ukraine	Interview 6
Colonel (ret.) Ukrainian Armed Forces, Kyiv	Interview 7
Businessman, Donetsk, Ukraine	Interview 8
Businessman, Mariupol, Ukraine	Interview 9
Businessman, former deputy of local council, IDP from Donetsk	Interview 10
Businessman, ex-member of pro-governmental paramilitary battalion 'Dnepr', IDP from Donetsk	Interview 11
Businessman, IDP from Donetsk, Kyiv, Ukraine	Interview 12
Human rights activist, Kramatorsk, Ukraine	Interview 13
Journalist, Kyiv, Ukraine	Interview 14
Major General (ret.) Ukrainian Armed Forces, Kyiv, Ukraine	Interview 15
Academic, Moscow State Institute for International Relations, Moscow, Russia (via Skype)	Interview 16
Ukrainian MP, Kyiv, Ukraine	Interview 17
Journalist, Kramatorsk, Ukraine	Interview 18